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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, RICHARD J

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/642,052

Applicant(s)
Lapalme

Examiner
Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because phrases which can be implied, such as "the present invention" appearing at line 1 of the Abstract should be avoided. Correction is required. See MPEP § 608.01(b).
3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 1, line 14, it is unclear what "it" is referring to as claimed; and

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(2) claim 3, line 10, it is unclear what "it" is referring to as claimed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullister of record (5,886,735) in view of Cannon of record (5,742,335).

Bullister discloses a video telephone headset as shown in Figures 1, 2, 4A, 4B, 5A, and 5B, and substantially the same video assisted apparatus for use by a speaker and hearing impaired persons, for reproducing an image of the speaker's mouth (see Figure 1, columns 4-6, column 11, lines 5-17), comprising substantially the same headset frame (i.e., 12 of Figure 1 and see Figure 4A) to be removably installed on the head of the speaker; an image transmission and display circuit (see Figure 3 and column 10, lines 11-22); a miniature camera (112 of Figures 1, 4A) rigidly carried by the headset frame ahead of the speaker's mouth and destined to target at least the speaker's mouth (see column 8, lines 48-55) for catching continuous video images therefrom; a low-power video transmitter operatively linked to the camera, for coding the video images caught by the camera and for transmission thereof as a video signal (see column 10, line 11 to column 11, line 30); at least one receiver, located substantially closely to the video transmitter, for receiving the video signal from the transmitter and decoding it into video images (i.e., a CODEC

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is provided in each of the group conference parties, see column 11, lines 5-30); at least one visualizing device operatively linked to the at least one video receiver, for visualizing the images decoded by the video receiver relative to the sound emitted by the speaker (see 140 of Figure 5A and column 11, lines 5-30); and wherein the apparatus includes a transmission of the images of the speaker's mouth to the at least one visualizing device, whereby at least the lip movements are followed by any number of hearing impaired persons looking at the visualizing device notwithstanding the head orientation or position of the speaker relative to the hearing impaired persons (see column 8, lines 48-63).

Bullister does not particularly disclose, though, the followings:

(a) a real-time video assisted apparatus for reproducing in real-time an image of the speaker's mouth, real-time image transmission and display circuit, the video receiver receiving the low power wireless video signal in real time, the visualising device for visualising the images decoded by the video receiver in real time relative to the sound emitted by the speaker, and whereby at least the lip movements of the speaker are followed in real time simultaneously by any number of hearing impaired persons as claimed in claim 1; and

(b) a low power video transmitter for real time transmission thereof as a low power wireless video signal; the video receiver for receiving the low power wireless video signal in real time from the video transmitter; and the video transmitter including a power device for powering the camera and the transmitter as claimed in claim 1.

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Regarding (a) and (b), Cannon discloses an examination system for architectural structure exteriors, and teaches the conventional use of wireless transmission of radio wave signals (see Figure 1 and column 4), transmitters including power means (82 of Figure 3) for powering the camera and the video transmitter (see column 5, lines 35-52), and the particular real time transmission and reception of video images (see column 4, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister and Cannon references in front of him/her and the general knowledge of wireless real time transmission and camera systems, would have had no difficulty in providing the wireless real time transmission/reception means and power means for the transmitter and camera as taught by Cannon for the video assisted apparatus system of Bullister for the same well known wireless real time transmission/reception purposes as claimed.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister and Cannon as applied to claim 1 in the above paragraph (5), and further in view of Hurwitz (5,568,205).

The combination of Bullister and Cannon discloses substantially the same real time video-assisted apparatus as above, but does not particularly disclose wherein the video transmitter emits the video signal at a maximum field strength of 50 millivolts per meter measured at a distance of three meters from the video transmitter as claimed in claim 2. However, Hurwitz discloses a camera mounted wireless audio/video transmitter system as shown in Figures 1 and 2, and teaches the conventional effective radiated power of 50 millivolts per meter at three meters from the

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transmitter for low-power transmitters. Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, and Hurwitz references in front of him/her and the general knowledge of low power video transmitter ranges, would have had no difficulty in providing the maximum field strength of 50 millivolts per meter measured at a distance of three meters from the video transmitter as taught by Hurwitz as part of the transmitting power range for the video transmitter in the combination of Bullister and Cannon for the same well known good quality of video transmission purposes as claimed.

7. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister and Cannon as applied to claim 1 in the above paragraph (5), and further in view of Ricardo et al (5,884,197).

The combination of Bullister and Cannon discloses substantially the same real time video assisted apparatus as above, further including a microphone carried by the headset frame (i.e., within 76 of Figure 4 and see column 5, line 66 to column 6, line 7 of Cannon) and linked to an audio transmitter (i.e., 90 of Figure 4 of Cannon), for catching the sound waves emitted by the speaker's voice in a continuous fashion; a low-power audio transmitter (i.e., 90 of Figure 4 of Cannon) operatively linked to the microphone, for coding the sounds caught by the microphone and for real time transmission thereof as a low power wireless audio signal, the audio transmitter including a power device for powering the microphone and the audio transmitter (see column 4, lines 56-67, column 5, lines 35-52, column 5, line 66 to column 6, line 7 of Cannon); and at least one audio receiver (i.e., 92, 98 of Figure 4 of Cannon), located substantially closely to the audio

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transmitter, for receiving the low-power wireless audio signal in real time from the audio transmitter and decoding it into sounds.

The combination of Bullister and Cannon does not particularly disclose at least one amplifying device operatively linked to the at least one audio receiver, for emitting the sounds decoded by the audio receiver in real time relative to the sound emitted directly by the speaker, wherein the amplifying device is a hearing aid device as claimed in claims 3 and 9. However, Ricardo et al discloses a wireless portable transceiver as shown in Figure 1, and teaches the conventional use of amplifying devices for amplifying an audio signal (see column 1, lines 32-63). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, and Ricardo et al references in front of him/her and the general knowledge of audio amplifiers, would have had no difficulty in providing a hearing aid audio amplifier system as taught by Ricardo et al for the audio receiver 98 of Cannon for the same well known audio amplification purposes as claimed.

8. Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo as applied to claims 1, 3, and 9 in the above paragraphs (5) and (7), and further in view of Hurwitz (5,568,205).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same real time video-assisted apparatus as above, further including wherein the video transmitter and the audio transmitter are two separate units (see 24, 90 of Figure 4 of Cannon), and wherein the audio receiver and the video receiver (i.e., 92, 98, 58a, see column 5, lines 53-65 of Cannon) are

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two separate units, whereby the wireless video signal and the wireless audio signal are transmitted as two distinct signals on respective wave bands.

The combination of Bullister, Cannon, and Ricardo et al does not particularly disclose though the followings:

(a) wherein the audio transmitter emits the audio signal at a maximum field strength of 80 millivolts per meter measured at a distance of three meters from the audio transmitter as claimed in claim 4; and

(b) wherein the video transmitter and the audio transmitter are embedded into a single transmitter element, whereby the audio signal and the video signal are transmitted as a single, combined signal as claimed in claim 8.

Regarding (a), Hurwitz discloses a camera mounted wireless audio/video transmitter system. It is noted that Hurwitz does teach the particular transmission power consumption with an effective radiate power of 50 millivolts per meter at three meters for transmitters (see column 6, lines 27-38), but not particularly wherein the audio transmitter emits the audio signal at a maximum field strength of 80 millivolts per meter measured at a distance of three meters from the audio transmitter as claimed. However, Hurwitz does teach that the higher power consumption may be provided for a more powerful transmitter (see column 6, lines 27-38), and as such it is considered obvious that the audio transmitter of Hurwitz may emit the audio signal at a maximum field strength of 80 millivolts per meter measured at a distance of three meters from the audio transmitter. Therefore, it would have been obvious to one of ordinary skill in the art, having the

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Bullister, Cannon, Ricardo et al, and Hurwitz references in front of him/her and the general knowledge of audio transmitters at optimal power ranges, would have had no difficulty in providing the audio transmitter of Cannon the particular emission of an audio signal at a maximum field strength of 80 millivolts per meter measured at a distance of three meters from the audio transmitter in view of the power range transmissions as taught by Hurwitz for the same well known good quality signal purposes as claimed.

Regarding (b), Hurwitz teaches the conventional use of a modulator 31 of Figure 2 for combining the transmitted audio and video signals into a single combined signal (see column 5, line 50 to column 6, line 7). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo et al, and Hurwitz references in front of him/her and the general knowledge of the audio and video signal transmissions, would have had no difficulty in providing the modulator 31 of Hurwitz for the system of Cannon so that the particular transmission of audio and video signals within Cannon may be combined into a single signal for the same well known purposes as claimed.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, Hurwitz, and Ricardo et al as applied to claims 1, 3-6, 8, and 9 in the above paragraphs (5), (7), and (8), and further in view of Fancher (5,128,755) and Oxman (4,352,200).

The combination of Bullister, Cannon, Hurwitz, and Ricardo et al discloses substantially the same real time video assisted apparatus as above, but does not particularly disclose wherein the video signal is transmitted in the frequency range of 902-928 MHZ while the audio signal is

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transmitted in the frequency range of 72-76 MHZ. However, the particular frequency range transmission of video and audio signals in the specific ranges as claimed are old and well recognized in the art (see column 3, lines 35-42 of Fancher; column 4, lines 45-66 of Oxman). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Hurwitz, Richardo et al, Fancher, and Oxman references in front of him/her and the general knowledge of RF video and audio transmissions, would have had no difficulty in providing the specific audio and video transmission ranges as taught by Fancher and Oxman for the audio and video signals of Cannon for the same well known RF transmission compliance purposes as claimed.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bullister, Cannon, and Ricardo et al as applied to claims 1, 3, and 9 in the above paragraphs (5) and (7), and further in view of Clark (6,058,315).

The combination of Bullister, Cannon, and Ricardo et al discloses substantially the same real time video assisted apparatus as above, but does not particularly disclose wherein the microphone, the audio transmitter and the audio receiver are sensitive to a frequency range substantially within the average human sensitivity of 20 Hz to 20,000 Hz as claimed in claim 10. The particular conformance to sound waves in the human audible frequency range of 20 Hz to 20,000 Hz is however old and well recognized in the art, as exemplified by Clark (see column 1, lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art, having the Bullister, Cannon, Ricardo et al, and Clark references in front of him/her and the general

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knowledge of audio sensitivity ranges, would have had no difficulty in providing the frequency ranges of 20 Hz to 20,000 Hz as taught by Clark for the microphone, audio transmitter, and audio receiver of Cannon for the same well known conformance to sound waves in the human audible frequency range purposes as claimed.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)


(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

3/7/03

